

Mar 06, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ASHLEY M.,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:20-CV-05013-EFS

REPORT AND RECOMMENDATION

By Order filed February 4, 2020, the Plaintiff was directed to pay a partial filing fee of \$25.00. ECF No. 4. Plaintiff has not consented to proceed before a magistrate judge.

There has been no payment and no response to the court's Order. Accordingly, **IT IS RECOMMENDED:**

1. Plaintiff's Complaint be **DISMISSED** without prejudice.
2. Plaintiff be required to provide notice of the dismissal to any and all Defendant(s) she served with a copy of the Complaint and Summons.

OBJECTIONS

Any party may object to a magistrate judge's proposed findings, recommendations or report within fourteen (14) days following service with a copy thereof. Such party shall file written objections with the Clerk of the Court and

1 serve objections on all parties, specifically identifying any the portions to which
2 objection is being made, and the basis therefor. Any response to the objection
3 shall be filed within fourteen (14) days after receipt of the objection. Federal Rule
4 of Civil Procedure 6(d) adds additional time after certain kinds of service.

5 A district judge will make a de novo determination of those portions
6 objected to and may accept, reject, or modify the magistrate judge's determination.
7 The judge need not conduct a new hearing or hear arguments and may consider the
8 magistrate judge's record and make an independent determination thereon. The
9 judge may, but is not required to, accept or consider additional evidence, or may
10 recommit the matter to the magistrate judge with instructions. *United States v.*
11 *Howell*, 231 F.3d 615, 621 (9th Cir. 2000); 28 U.S.C. § 636(b)(1)(B) and (C); FED.
12 R. Civ. P. 72(b)(3); LMJR 2(c), Local Magistrate Judge Rules for the Eastern
13 District of Washington. A magistrate judge's recommendation cannot be appealed
14 to a court of appeals; only the district judge's order or judgment can be appealed.

15 The Clerk of the Court is directed to file this Report and Recommendation
16 and provide a copy to Plaintiff.

17 DATED March 6, 2020.



A handwritten signature in black ink, appearing to read "M", is written above a horizontal line.

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20 JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE